

1 David S. Kahn, Esq.  
Nevada Bar No.: 7038  
2 I-Che Lai, Esq.  
Nevada Bar No.: 12247  
3 **WILSON ELSE MOSKOWITZ**  
**EDELMAN & DICKER LLP**  
4 300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
Las Vegas, Nevada 89101  
5 Tel: (702) 727-1400; Fax: (702) 727-1401  
David.Kahn@wilsonelser.com  
6 I-Che.Lai@wilsonelser.com

7 Gail E. Podolsky (*admitted pro hac vice*)  
Georgia Bar No. 142021  
8 **CARLTON FIELDS**  
1201 West Peachtree Street, Suite 3000  
9 Atlanta, Georgia 30309  
10 Tel: (404) 815-2714; Fax: (404) 815-3415  
gpodolsky@carltonfields.com  
11 *Attorneys for Plaintiffs*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 WEBSTER FINANCIAL CORPORATION,  
WEBSTER BANK, NATIONAL  
15 ASSOCIATION, and WEBSTER CAPITAL  
FINANCE, INC.

16  
17 Plaintiffs,

18 v.

19 WEBSTER CAPITAL FINANCE INC., FIFIK  
PRIVATE LOANS, FIFIK JAN, SAMUEL  
20 HOWARD, ALEX HAMPSOM, various JOHN  
and JANE DOES 1-10, and XYZ COMPANIES  
21 1-10 (UNIDENTIFIED),

22 Defendants.  
23

Case No. 2:18-cv-02223-MMD-GWF

**MOTION FOR EXTENSION OF TIME  
TO COMPLETE POST-JUDGMENT  
DISCOVERY AND INCORPORATED  
MEMORANDUM OF LAW**

**(Third Request)**

24 Plaintiffs Webster Financial Corporation, Webster Bank, National Association, and  
25 Webster Capital Finance, Inc. (collectively, "Webster"), pursuant to Fed. R. Civ. P. 6(b) and  
26 Local Rule IA 6-1, hereby move for entry of an order extending the post-judgment discovery  
27 period by four (4) months, through and including, December 9, 2020.  
28

1 On January 9, 2020, Webster sought an extension of time to conduct post-judgment  
2 discovery in order to take the deposition of Erhomarhua Afure<sup>1</sup>, obtain documents from him, and  
3 conduct any additional discovery based on what Webster learned during the deposition. [ECF  
4 No. 23.] Webster's request for an extension was subsequently granted. [ECF No. 24.]

5 On February 20, 2020, Webster filed a miscellaneous action with the United States  
6 District Court for the Southern District of Florida to compel Mr. Afure to produce documents  
7 and sit for a deposition. On March 20, 2020, United States Magistrate Judge Jared M. Strauss  
8 ordered Mr. Afure to produce documents and sit for a deposition.

9 COVID-19 prevented Webster from taking Mr. Afure's deposition as Webster prefers to  
10 take an in-person deposition. Subsequently, on April 8, 2020, Webster sought a second  
11 extension of time to conduct post-judgment discovery [ECF No. 25], and the request was granted  
12 [ECF No. 26].

13 Even though the parties agreed to postpone Mr. Afure's deposition to a future date in the  
14 hopes that the deposition could be taken in person, Mr. Afure's counsel refused to agree to a  
15 specific date. To date, Mr. Afure's counsel refuses to provide depositions dates for this client.  
16 Accordingly, Webster was forced to seek judicial intervention in the miscellaneous action.

17 On July 23, 2020, in the miscellaneous action, United States District Court for the  
18 Southern District of Florida Judge Rodolfo Ruiz ordered a telephonic status conference for  
19 August 3, 2020 to discuss the deposition of Mr. Afure. Because Webster has been unable to take  
20 Mr. Afure's deposition, Webster requests additional time to conduct post-judgment discovery.

21 Accordingly, Webster requests that this Court extend the post-judgment discovery  
22 deadline set forth in the Final Judgment for four (4) months, through and including, December 9,  
23

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24 <sup>1</sup> Erhomarhua Afure is the signatory on the bank account that received the proceeds from at least  
25 one of the fraudulent loans provided by the Defendants. As detailed in Webster's first motion to  
26 extend post-judgment discovery, Mr. Afure is likely to have highly relevant information,  
27 including documents regarding Defendants' business, the profits earned by Defendants, and the  
28 location of the Defendants and their assets. This information is necessary for Webster to quantify  
its damages. *See* 15 U.S.C. 1117 (stating that a plaintiff may recover defendant's gross profits  
under the Lanham Act). To date, Webster has been unable to ascertain this information from the  
other third-party discovery it has received. It is also likely that Mr. Afure will disclose additional  
third-parties that Webster will need to subpoena.

2020. This extension will allow Webster to take the deposition of Mr. Afure and conduct further discovery using any information learned from his deposition.

This is the third request for an extension of time. The request is necessitated by the COVID-19 pandemic and Webster having to seek further judicial intervention to depose Mr. Afure. No party will be prejudiced by this extension and it will not affect any other pending deadlines set by the Court. *See, e.g., United States v. \$1,020,378.05 U.S. Currency*, 26 F.3d 134 (9th Cir. 1994) (noting that the district court granted a three-month extension of the discovery cutoff date); *Pyankovska v. Abid*, 216CV2942JCMBNW, 2019 WL 6609690, at \*2 (D. Nev. Dec. 5, 2019) (“The court gave defendant an additional 60 days to complete discovery”); *Farace v. Am. Airlines, Inc.*, 2:10-CV-00724-KJD, 2011 WL 5239227, at \*2 (D. Nev. Nov. 1, 2011) (extending discovery for ninety (90) days); *Shops at Grand Canyon 14, LLC v. Rack Room Shoes, Inc.*, 2:09-CV-01234-RLH, 2010 WL 4181361, at \*4 (D. Nev. Oct. 20, 2010) (granting motion to extend discovery to permit the parties to take certain depositions).

A proposed order is attached.

Respectfully submitted this 29<sup>th</sup> day of July, 2020.

By: /s/ Gail Podolsky

David S. Kahn  
Nevada Bar No. 7038  
I-Che Lai, Esq.  
Nevada Bar No. 12247  
**WILSON ELSEER MOSKOWITZ  
EDELMAN & DICKER LLP**  
300 South 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
Las Vegas, Nevada 89101  
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1201 West Peachtree Street, Suite 3000  
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(404) 815-3415 (fax)

gpodolsky@carltonfields.com

***Attorneys for Plaintiffs Webster Financial  
Corporation, Webster Bank, National  
Association, and Webster Capital Finance, Inc.***

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading was electronically filed with the Clerk by using the CM/ECF system, which will send a notice of electronic filing to all registered users of the CM/ECF system.

This 29<sup>th</sup> day of July, 2020.

/s/ Gail Podolsky

Gail Podolsky

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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

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11 WEBSTER FINANCIAL CORPORATION, et.  
12 al.,

13 Plaintiffs,  
14 v.

15 WEBSTER CAPITAL FINANCE INC., et. al.,  
16 Defendants.

Case No. 2:18-cv-02223-MMD-GWF

**ORDER GRANTING MOTION FOR  
EXTENSION OF TIME TO COMPLETE  
POST-JUDGMENT DISCOVERY**

17  
18 THIS CAUSE having come before this Court pursuant to Plaintiffs' Motion for Extension  
19 of Time to Complete Post-Judgment Discovery, and the Court having been fully advised in the  
20 premises, it is hereby

21 **ORDERED AND ADJUDGED:**

- 22 1. The motion is hereby **GRANTED** in its entirety.  
23 2. Plaintiffs shall have until December 9, 2020, to conduct additional post-judgment  
24 discovery.

25 DONE AND ORDERED this 29th day of July, 2020.

26 

27 **THE HONORABLE MIRANDA M. DU**  
28 **UNITED STATES DISTRICT JUDGE**